

BEFORE THE INDIANA STATE DEPARTMENT OF HEALTH

AN ADMINISTRATIVE RULES HEARING ON PROPOSED RULE GOVERNING ON-SITE  
SEWAGE SYSTEMS.

ADDS 410 IAC 6-8.2.

RULES DESIGNED TO ESTABLISH THE REQUIREMENTS PERTAINING TO THE  
DISPOSITION OF EXCREMENTAL AND SEWAGE MATTER THROUGH THE DESIGN,  
INSTALLATION, CONSTRUCTION, MAINTENANCE, AND OPERATION OF  
COMMERCIAL FACILITY, RESIDENTIAL, CLUSTER, AND EXPERIMENTAL AND  
ALTERNATIVE TECHNOLOGY ONSITE SEWAGE SYSTEMS.

REPORT OF ADMINISTRATIVE LAW JUDGE

This matter came before the duly appointed Administrative Law Judge, Jan B. Berg, on July 1, 2003, in Rice Auditorium, 2 North Meridian Street, Indianapolis, Indiana; July 30, 2003, in the Commissioners Meeting Room, LaPorte County Annex and Security Center, 809 State Street, LaPorte, Indiana; and August 6, 2003 in the Seymour High School Auditorium, 1350 West Second Street, Seymour, Indiana.

Notice of time and place of the Indianapolis hearing was given as provided by law by publishing on May 30, 2003, in the Indianapolis Star, and by publishing in the Indiana Register dated June 1, 2003. Notice of time and place of the LaPorte hearing was given as provided by law by publishing June 24, 2003 in the Indianapolis Star, and on June 24, 2003 in the LaPorte Herald-Argus, and by publishing in the Indiana Register dated July 1, 2003. Notice of time and place of the Seymour hearing was given as provided by law by publishing on June 24, 2003 in the Indianapolis Star, June 25, 2003 in the Seymour Tribune, and by publishing in the Indiana Register dated July 1, 2003.

Proof of publication was received by the Department and notice and proof are incorporated in the record of this cause by reference and placed in the official files of the Department.

Copies of all statements received either at the hearing, or subsequently, are attached to and incorporated into this report as Attachments.

**COMMENTS MADE AT THE PUBLIC HEARING**

Thirty-six persons testified at the Public Hearings. Some of the speakers submitted written testimony which they read into the record, some gave oral testimony only, and others gave oral testimony and submitted written material. The following is a summary of the comments made at the Hearing, classified by category:

**WASTEWATER MANAGEMENT COMMITTEE**

1. **Don Schnoebelen** represents the Wastewater Management Committee of the Indiana

Environmental Health Association, and submitted their recommendations and proposed revisions of the Rule in written form. The Wastewater Management Committee (WWMC) revisions are supported by a large percentage of those making public comment. Mr. Schnoebelen explained that the WWMC had been working on the document for over a year. The WWMC is made up of persons from the Indiana State Department of Health staff, local health departments, on-site sewage system installers, builders, soil scientists, drainage experts, manufacturers and others. The goal of rewriting the proposed Rule was to create a plan that all affected parties could live with. The submitted document shows the original Rule and technical specification with the WWMC changes highlighted. Mr. Schnoebelen wanted to Board to realize that the Indiana State Department of Health staff had significant input and showed considerable support for the changes suggested by WWMC.

Mr. Schnoebelen, also an environmentalist with the Elkhart County Health Department, testified in LaPorte as well. He noted that there is a great deal of confusion in the public as to which document is the proposed Rule. Many are apparently under the impression that the WWMC document, submitted as comment to the proposed Rule, is actually the proposed Rule. On a substantive basis, the Rule does nothing to improve the function of onsite sewer disposal systems in Indiana, nor does it promote the use of innovative technology which could improve the functioning. Instead, it promotes an approach that is so proscriptive that in many cases it will make it impossible to adhere to the code and actually install a sewer. Use of the Department of Agriculture nitrate leaching index was never intended as a site specific tool.

## **BUILDERS/DEVELOPERS**

2. **David Kovich** is president of the Indiana Builders Association and represents its 5,600 members. At the first hearing, he stated the position that the Rule as proposed was not practical, affordable, scientifically based or backed by the building community. Mr. Kovich submitted written general and line-item proposals.

At the second hearing, Mr. Kovich asked that the proposed Rule be recalled, that requirements for nitrate mitigation be deleted, and other numerous changes made before resubmitting the Rule for adoption. He took the position that the Rule placed unreasonable demands on homeowners, and contained prerequisites that are technically impossible to comply with. It will greatly affect housing affordability while not impacting the quality of groundwater. The nitrate requirement is not mandated by the groundwater quality statute but is instead an arbitrary response by the Indiana State Department of Health. The connection of nitrates in septic effluent to the quality of water has no scientific basis, in other words, there is no evidence that reducing septic nitrates will improve the quality of groundwater. And, technologies to comply with the Rule are not yet available.

3. **Marlys Pedtke** is the technical staff person for the Indiana Builders Association. She voiced her opposition to the Rule, and presented for the record an analysis of the costs associated with the Rule. She further wanted the Board to know that she appreciated the professionalism and availability of the Indiana State Department of Health staff.

At the LaPorte hearing, Ms. Pedtke presented the 100 changes that the Indiana Builders Association has proposed. She reiterated the IBA position of opposition to the Rule.

At the Seymour hearing, Ms. Pedtke, on behalf of the Indiana Builders Association, asked

that the Board re-call the proposed Rule for on-site septic systems because of numerous technical concerns and the Rule's significant fiscal impact to the state's economy and to local government. She notes that her organization as well as others including the WWMC have been working continuously on revision of the proposed Rule, with the involvement of ISDH personnel. She states that the Rule will not protect or improve the quality of water, will cause an enormous fiscal impact, will require technology that is very expensive and cannot guarantee compliance, will be in conflict with the State's groundwater quality standard, will strike a serious blow to housing affordability throughout Indiana, will render local health departments legally vulnerable, will circumvent due process with nonspecific future requirements, will devalue Indiana soil through the misuse of agricultural evaluation tools, will make it impossible to comply with the State's septic rule, will discourage new technology, will require the use of specific name brands, and will break the ISDH enabling law requiring the adoption of reasonable rules. She asks that the Rule be recalled and that all the stakeholders work together for a reasonable solution.

4. **Bob McKean** is a builder and a licensed septic installer, and represents the Indiana Builders Association Septic Committee Council. He submitted for the record a cost analysis, a fiscal impact statement, and written comment, which he read into the record. He posited that today's septic systems work well and have a low failure rate as opposed to the new systems which are unproven. His most serious concern with the new Rule is its attempt to require secondary treatment of septic effluent before it enters the dispersal area. He believes this is a misguided and unnecessary attempt to comply with EPA guidelines. There is no scientific evidence linking high nitrate levels in groundwater to septic systems, and no guarantee or proof that secondary treatment would achieve the nitrate levels required by the Rule. Only two manufacturers produce the needed equipment, and local health departments do not have staff or funding to monitor the systems. Secondary treatment equipment is expensive and will add \$6,500 to \$11,500 to the cost of the septic system, a 7%-12% increase in the cost of a new home. The additional costs will create a loss of revenue in the housing industry, one of the few thriving industries in the State. The IBA presented to the Indiana State Department of Health proposed corrections to 105 of the 150 pages of the Rule, and were told the corrections had already been addressed by the wastewater group, yet none of the corrections appeared in the proposed Rule. The IBA further questions the legality of the Rule, and have contacted the Indiana Attorney General. Mr. McKean asks the Board to reject the Rule, and that a new Rule only be adopted after a cooperative effort.

5. **Leroy Yoder** is a builder and developer in St. Joseph County. He notes that St. Joseph County area planning commission has enacted some of the proposed Rule resulting in the stoppage of new development in the County. Ten miles north in Michigan, housing is booming. Across the border, 359 new lots have been approved in the last 6 months, which is more than have been approved in the last 10 years. Michigan does not and is not planning on making large and costly changes to their septic rules.

6. **Terry Herschberger** is a homebuilder and small businessman. He is also representing the 5,500 members of the Indiana Builders Association as chairman of the IBA Septic Committee. The Committee has met numerous times over the last 5 years as this Rule has moved through the promulgation process. Since January, they have held several day-long sessions of soil scientists,

health department personnel, builders, developers, manufacturers and installers, and made several findings. First, the process has been frustrated by continual changes in the Rule, the issuance of numerous versions of the Rule, and poor communication between ISDH and those persons interested in the Rule. Of significant note is that on July 3, 2002, the Health Department staff distributed by e-mail a copy of the rule and the proposed text changes made by the ISDH in association with the Wastewater Management Committee, asking people to attend the hearing and support those changes.

Yet, the new version is not publically available and contains substantial rule changes affecting hundreds of pages. IBA supports the changes contained in the WWMC document, but is unsure if those are part of the proposed Rule at this time. The technical specifications are deficient in how they address nitrates, drainage and new technology. Agricultural fertilizers, golf course fertilizers and residential lawn fertilizers are the primary sources of high levels of nitrates in groundwater. While Health Department text identifies 4 ½% of private wells with nitrate levels over the limit, the study was not random, but voluntary, and is therefore not scientifically sound. The proposed Rule seeks to apply the 10 milligrams per liter requirement of drinking water to septic effluent before it is even completely through the system. No other State has such a strict standard. Costs under the new Rule will be \$21.1 million per year, as opposed to Health Department estimates of \$6.9 million. Cost is \$6,500-\$12,000 per system, excluding operating and maintenance costs. And, today's technology can't meet the standard of 10 milligrams per liter. Until technology exists, nitrate levels should be left alone. Only option would be to hook to municipal sewers or not to build. Sewers are not available for many of the affected areas. Thirty-two percent of land in Elkhart County is affected, St. Joseph County has 31%, and LaPorte County has 89% of land affected. The Rule will have a devastating impact on homebuilding and buying. Additionally, drainage requirements are impractical and unworkable. And, the Rule as written discourages new technology. It doesn't recognize field testing by manufacturers and the National Sanitary Foundation in many other states. New technology will remain experimental under the Rule, affecting sales of homes.

7. **Doug Miller** is the owner of D.S. Miller Construction and president of the Builders Association of Elkhart County. The Builders Association is opposed to the adoption of the Rule as it would severely impact their ability to do business in Elkhart County. Besides driving up the cost of single-family homes, it will impact the viability of septic repairs on existing homes. Out of 400 systems in his homes, he has not had a single failure. The current system is working, and doesn't need amendment.

8. **Tom Wickart** is a developer/builder from Elkhart, Indiana. He points out that the biggest problem facing Indiana is the separation of the storm sewers and the sanitary sewers, not on-site septic systems. Second, he notes that the proposed cost for the new systems will be marked up by the builder for profit, and also because the technology is new, to protect the builder financially if it fails. Thus, the cost to homeowners is even greater than estimated. The fiscal impact will affect the little guy the most.

9. **Gretchen Hellman** works for the Builders Association of Elkhart County. She reiterates the other testimony concerning affordability and also questions why a rule not supported by the technicians and professionals in the industry is being proposed. The Rule raises more questions than answers, and she questions who is supporting the Rule and why the ISDH is not listening to the

concerns raised.

10. **Lance Gould** represents the Marshall County Builders Association and opposes the proposed Rule. He notes that the total costs have not been identified. He shares the story of his own lake neighborhood which installed a sewer system because of nitrate levels. However, because the nitrates were from agriculture and an adjacent golf course, the sewer system has not changed the level of nitrates going into the lake, and homeowners have additional costs with no apparent benefit.

11. **Pat Harrison** is a developer currently doing a 100 lot development. He intended to put septic tanks on the lots, to have bigger lots and less density, but the new Rule would make it impossible to afford that kind of system. The local health department is also not adequate to handle the undertaking required by the Rule. The new Rule hasn't been tested and will increase costs and make development impossible unless sewers are used.

12. **Greg Furnish** is a member of the Home Builders Association of Southern Indiana and vice-president of the Home Builders Association. He ask the Board to consider the input from the many knowledgeable people who have commented on the proposed Rule. He notes that affordable housing in Southern Indiana, as well as Northern Indiana, will be eliminated under the Rule. He asks that an educated decision be made, and that the process not be rushed.

### **MANUFACTURED HOUSING**

13. **V. Raj** is a manufacturer of modular homes in Middlebury, Indiana. He advises that 93% of nitrates enter the soil by way of commercial fertilizer, and 5% from exhaust sources. Only 2% comes from septic sludge. What the rule is trying to do is overkill. The testing methods, i.e. the nitrate leaching index, is based on the surface application of agricultural fertilizer and is not appropriate for septic systems. The 10 milligram rule is too strict, even for drinking water. Standard septic systems now cost between \$400 and \$500. The new systems will cost an additional \$7,500 to \$12,000, plus maintenance and operating costs of \$300 -\$400 per year. It is more than 10% of the cost of his homes. Under the Rule, 20% of the land in Indiana would not be suitable for septic systems. It is both economically and technologically unreasonable. The Rule contains technical flaws, wrong references, erroneous data in the time table, and references to publications no longer in print. It is over-restrictive with no latitude for interpretations and flexibility. Sixty-five percent of homes statewide currently have a better system. Every \$10,000 increase in the price of a home pushes several thousand people out of the home market. The \$7,500 to \$12,000 increase will discourage home ownership. He asks that adoption of the Rule be reconsidered.

14. **James Keller** is the government relations director for the 700 member Indiana Manufactured Housing Association. He echoes the concerns of the building industry, and notes that the problems identified by conventional builders would be even more critical to the manufactured home industry. He further adds that the Rule is flawed in that there is no way to get a system initially classified as alternative technology reclassified as acceptable, so it will never get full approval. He further points out a potential conflict between the definition of "bedroom" in the Rule, and the definition of "sleeping room" in the Indiana Residential Code, and the impact it might have

on septic system requirements.

### **REALTORS/BROKERS**

15. **Ken Steury** is real estate broker, secretary-treasurer of the Fort Wayne Area Association of Realtors, and is representing that organization as well as the Indiana Association of Realtors. His organizations oppose the Rule because it will have a major impact on homeowners' ability to continue owning, transferring and using their real property. He shared vignettes of homeowners with septic systems who have lost the value and use of their homes because of changing rules and specifications and bureaucratic limbo. Under the new specifications, homeowners with septic systems may be unable to sell their homes or may have them greatly devalued because of the septic systems.

16. **Georgia Mareska** is a broker and represents the LaPorte County Association of Realtors. She supports the IBA and Indiana Association of Realtors positions in opposition to the Rule. She questions the use of the nitrate leaching index because it is not designed for this purpose and is out of date. She has only had one property in 25 test high in nitrates, and it was adjacent to a large agricultural area. The costs are excessive for industry, for maintenance, for Health Departments, and for individuals. Eighty-nine percent of land in LaPorte County is under restrictions for nitrate abatement, which would significantly reduce buildable area. Foreclosure rates are already high, as are bankruptcies. Septic changes will impact those figures. She asks the ISDH to use common sense, and not promulgate new rules that create heavy financial burdens when there are still questions as to whether it's truly needed and whether those proposed rule changes would even accomplish the stated goal.

17. **Edie Gray** represents the 15,000 plus membership of the Indiana Association of Realtors, and the Elkhart County Board of Realtors. She presented the case of a hypothetical young couple who buys an average priced house for \$100,000 on 3/4 an acre with a septic for 3% down. When the septic fails two years later, under the new Rule it would cost them \$10,000 to \$15,000 to put in a denitrification system and make the corrections to their system to make it operative. The bank won't loan them the money, because they don't have enough equity and the septic system doesn't increase the value of the home. Because they have no savings, their only option is foreclosure, ruining their credit. Indiana already has the highest foreclosure rate in the country. The new rule will cause hardship to the banks and mortgage companies. It will also cause declining property values, and make homes on septic systems hard to sell. It will also affect realtors, developers, builders and septic installers. It will increase bankruptcy rates, will decrease home ownership rates, and will cause decline in neighborhoods. She asks that the implementation of the Rule be reconsidered.

18. **Patricia Rogers** is a real estate broker in LaPorte for Liston-Brown Realtors. She asks that the proposed Rule be withdrawn. In LaPorte city, there are few buildable lots left unless a home is torn down, so the only place for growth is the country. Because of the cost under the new Rule, no one will build there. As for existing homes, the future is uncertain. Of the several test systems currently in use to try to comply with the new Rule, 50% have failed, an unacceptable number.

19. **Lonn Stuckwisch** represents realtors and homeowners in Jackson County. He questions why a new Rule is based on unproven technology that might not even do the job. They are already seeing cases where septic systems installed in the last couple of years are not up to proper standards now, and the new Rule may exasperate the problem. Estimates are \$6,000 to \$17,000 in additional costs for the type of system required under the Rule. In Jackson County, the average home price is under \$90,000, so the new cost is a 10%-12% increase in the price of a home. Also, for existing homes, if an \$80,000 home's system is in failure and requires \$10,000 to fix, the homeowner may well not be able to afford the cost. One of few bright spots in the economy is the housing market, and the new Rule could disrupt that flow and hurt the State's economy.

20. **Tom Greemann** is a realtor and points out that Indiana already heads the nation in home foreclosures, and the increased costs of septic system upgrades and repairs will lead to a huge number of additional foreclosed and vacant homes.

### **SEPTIC TANK MANUFACTURING, DESIGN & INSTALLATION**

21. **Scott Hughey** is from Carmel Concrete Company, which manufactures septic tanks, and foresees problems with the proposed Rule. The Rule would require his company to discard all but one set of forms to meet the new specifications, creating undue economic burden. He questions whether the benefit would outweigh the economic burden on the manufacturers and home owners. He also questioned the feasibility and advisability of requirements that drain holes be plugged with hydraulic cement, the requirement that closed-cell neoprene gasket material, instead of butyl mastic, be used to seal the joints, and the requirement that all D boxes be marked with the date of manufacture and the manufacturer's name.

22. **Tom Cash** is with Cash Concrete in Greencastle, which manufactures concrete septic systems. He agrees with the comments of Mr. Hughey, especially regarding the limitation to one type of material for the gasket on the D box. He adds that he believes the limitation on pipe sealants to two types of materials is also unnecessary, because others work equally well and cost less. If the Rule is implemented, he and others like him will have to buy entirely new forms, and he asks for sufficient advance notice to get approval for the new tank design, and to have the new forms manufactured and delivered.

23. **Steve Adams** represents Stevens & Block, manufacturers of septic tanks in Elkhart County, Indiana. Mr. Adams believes the requirements of the new rule will be cost prohibitive from the manufacturing end. He specifically mentions the requirement of stainless steel clamps to seal the pipes, when there is no seepage with the friction type of seal used now. The proposed half-inch female threaded plug is also cost prohibitive. Standardized openings would affect the manufacturing and transportation costs. And, perhaps in response to the proposed Rule, the cost for construction of a dual tank septic tank has almost doubled. He further addressed the need to once and for all determine whether tanks would be coated, or not.

24. **Max Van Meter** works in septic tank design. He notes that in March, he received a packet informing him that the opening in the tank should be 15 inches, and in July he received a

packet saying it should be 20 inches. He believes enlarging the opening makes the tank weaker. He also believes the poly-lock seal currently used is adequate, as opposed to the Rule requirement of a stainless steel clamp. The State needs to take into consideration that when they make major changes in septic tanks that it will drive the cost up, which will be passed on to the customer. He also points to a Connecticut survey that shows that the two-compartment tank proposed by the rule is no better than a single compartment tank.

25. **Ralph Reed** represents Reed Excavating and Septic Services out of Brown County Indiana, and was a member of the WWMC. His main concern with the Rule as written is the cost of monitoring experimental systems. It would cost \$120,000 in sampling alone to get the system approved, which would put him and anybody putting in experimental technology out of business. He also stresses the importance of the State licensing installers.

26. **John Hudson** owns Hudson Concrete Products, which manufactures concrete septic tanks. The business has been in his family for many years. He questions some technical aspects of the new Rule, particularly the connectors and clamp portion, believing it will cause unanticipated difficulties down the road. He suggests some sort of device that would secure the filter, so it didn't move. Currently, they incorporate a mounting system in the cast, but the new Rule would make that impossible. He also questions what is the minimum size of a septic tank under the new Rule, 900 or 1250 gallons? If it is 1250 gallons, he notes that there are few septic tank forms bigger than 1,000 gallons, and that it would be an extremely expensive adjustment to go to the larger tanks. Some of the changes would cost him \$500,000 to \$600,000, and would impair his ability to stay in business.

## **SOIL SCIENTISTS**

27. **Larry Huber** is a soil scientist and soil classifier working in LaPorte County for 30 years. He provides the opinion that the majority of nitrates come from agricultural use, such as dairy farms, hog farms and grain farms. The fertilizer from the waste manure is going on top of the ground, golf courses and individuals are fertilizing grass, and yet there is still not a nitrate problem. The proposed Rule is impossible and shouldn't even be considered in Indiana. It impacts every aspect from the builder to the soil scientist to the contractor, to the septic contractor, to the concrete people, to the home-buyer, to the existing homeowner. Even in areas with greater septic failure, nitrate levels aren't more than 2%-3%. The Rule should be studied further.

28. **Al Donaldson** is a soil scientist from Brown County. He initially questions the status of the revision, believing some counties are using some of it, and saying they have to, while he and others believe it hasn't been passed yet. He believes the ISDH should listen to the things WWMC is saying. He points to various provisions of the proposed Rule that need clarification or revision. He also suggests adoption of the metric system at this time.

29. **John Bowen** is a soil scientist based in Seymour, Indiana. The new Rule will be more restrictive, primarily to the homeowner and landowner. He questions whether the changes are based on scientific data. He also questions whether systems are currently failing at an unsatisfactory level. He has not seen any information that there is a significant problem, and the new Rule therefore will



not eliminate any problem. There will be failed systems from time to time, regardless of the Rule in place. He asks if any ISDH staff would care to comment on any problems with the current system, and asks that the new Rule be dropped and the current rule continued.

## **LOCAL GOVERNMENT**

30. **Robert Watkins** is the manager of Environmental Health Services for Elkhart County. He holds degrees in environmental health and earth science. He notes that Elkhart County is probably the county with the most onsite septic programs in the State, issuing over 12,000 permits under the current rule, and averaging over 1,000 permits a year. The failure rate for systems is less than 3% over the past 11 years. He finds it inconceivable that the agency would forward a rule for adoption with so little support in the regulating or regulated community. He believes the rule is riddled with errors and ripe for legal challenges. He opposes having the rule considered for adoption without the specifications being included, since the bulk of concerns with the rule are found in the technical specifications. Rule revision has been an ongoing process, hurting the credibility of the ISDH with the counties and regulated communities. He estimates implementation of the Rule as written will cost the residents of Elkhart County alone 4 to 6 million dollars annually, plus the cost of the maintenance program. Or, it will destroy residential construction entirely in the county. While ISDH has estimated no additional cost to local government, it dictates responsibility to the local government such as monitoring compliance of maintenance programs. These duties will require additional time and staff by local departments. He opposes the disparity in the requirements between different parts of the State. The Rule does not set forth a requirement that has a sound scientific backing, is not supported by evidence, and is not in the best interest of public health. Additionally, the Rule dissuades the use of experimental or alternative technology by not recognizing technology which has been tested repeatedly by other states, nationally and internationally recognized testing agencies, and public universities. Overall, the Rule is ill-conceived, fails to consider the burden on already overworked and under-funded local agencies, is unenforceable, and will have a far greater economic impact on communities than any benefit that will be received.

31. **Bill Grant** is the administrator of the Lagrange County Health Department. Lagrange County has over 100 alternative systems for on-site sewage treatment. The new Rule would cripple the County, reduce flexibility, and eliminate much of accomplishments to date. The County has removed approximately 4000 septic systems from use and replaced them with other methods, most notably sub-surface constructed wet-land. The new Rule would increase cost, and void much of the progress to date.

32. **Ian Steele** is the town council president of Michiana Shores and a practicing geologist. He refers to a Wisconsin study which indicates that 89% of nitrates in groundwater are due to agriculture, 9% to septic systems, and 1% to recreation. He cites similar studies in Iowa and New York. These suggest that regulations on septic systems will not solve the nitrate leaching problem. The biggest problem with septic systems is lack of maintenance, and regulation is expensive. The better solution is installation of public sewer systems.

33. **Michael Arnett** is the chairman of the board of the Greater LaPorte Chamber of Commerce. He presented a resolution from the Chamber of Commerce opposing the proposed Rule. The resolution pointed out that under the new Rule, the secondary system is designed to reduce nitrogen leaching through the soil from onsite sewage systems to insure groundwater quality standards in areas that contain very coarse sand to very refined sand. Since 89% of LaPorte County soil would require the use of secondary septic systems, the Rule would cost LaPorte County builders between \$8,000 and \$10,000 per septic systems to install, and cost homeowners up to \$2,000 annually to maintain. By law, the ISDH is required to consider the technical and economic reasonableness of proposed rules, and given the massive impact on LaPorte County, the Chamber believes this has not been done in this case.

34. **Tom Duszynski** is the environmental supervisor at the LaPorte County Health Department. The Health Department can't support the Rule due to the section on requirements for secondary treatment and nitrogen reduction. The proposal is based on a presumption, not scientific evidence. The Rule is unfair as applied because it primarily impacts only sand-based soils. Of the 2,960 samples analyzed by the Health Department only 188 of those samples exceeded the 10 milligrams per liter level, and a moderate number were on new construction, indicating groundwater contamination before septic systems. Other unregulated sources of nitrates are causing any problems. The huge expense to homeowners under the new Rule cannot be justified when septic systems are not the cause of nitrates in groundwater. Further, the Department won't support the Rule because it fails to prove both that a problem exists and that there is technology that would satisfy the mandates. Under the new Rule, the county would need additional staff. The Department fully supports the WWMC version, and asks that the proposed Rule be withdrawn and the WWMC version adopted in its entirety.

## **INDIVIDUALS**

35. **Mark Spurgeon** is a farmer in Reddington, Indiana and a member of the Seymour school board. He wanted to call attention to the fact that rural sewer systems are in poor shape, and that a Rule essentially eliminating septs and forcing everyone into sewers is not a solution to pollution of water. The sewer systems end up dumping sewage into the rivers and polluting the environment. He believes the State needs to first worry about the big problems like outdated and failing sewers before worrying about the little things like a few failed septic systems.

36. **Richard Wise** is a former IDEM and ISDH and Marion County Health Department employee. He is part of the Indiana Rules Community Assistance Program, and was a participant in the Indiana Onsite Wastewater Professional Association as well as a member and participant of the Indiana Environmental Health Association, Wastewater Management Committee. Mr. Wise will submit the majority of his comments in writing, but orally asks for revision of the Rule in regards to definitions and classifications of cluster onsite systems and commercial facilities onsite systems, specifically Section 5, 6 and 7.

37. **Dave Hardister** is a homeowner with a septic system in northern Indiana. His system works fine and has for almost ten years. The water has been tested and there is never a problem. He

questions why there is a push to change something that is working. Cost of running a sewer to his property is unknown, but could be from \$90 up to \$300-\$400 per month.

## **WRITTEN COMMENTS SUBMITTED AT OR AFTER THE PUBLIC HEARINGS**

### **WASTEWATER MANAGEMENT COMMITTEE (WWMC) & WASTEWATER ORGANIZATIONS, ASSOCIATIONS & COMPANIES**

1. The **Wastewater Management Committee of the Indiana Environmental Health Association (WWMC)** submitted a document containing the original Rule and technical specifications with the WWMC suggested changes highlighted. The document is over 100 pages, and thus doesn't lend itself to summarization. WWMC asks the Board to review its proposal, which is attached to the Report and made a part thereof. See Attachment A.

2. **Greg Lake, representing the Indiana Environmental Health Association Wastewater Management Committee (WWMC)** submits corrections and amendments to the previously submitted comments on WWMC document. See Attachment B.

3. **Indiana Onsite Wastewater Professional Association** is strongly opposed to the proposed Rule and supports the changes recommend by WWMC, but urges that the recommended changes be verified by gathering sufficient local data. They suggest Indiana needs a permanent research and demonstration program, and technical specifications should allow for flexibility. They also urge certification and continuing education for onsite wastewater professionals. See Attachment C.

4. **Thomas J. Bruursma, General Manager, Drinking Water and Wastewater Treatment Unit Programs, NSF International**, writes in support of the WWMC revision to the Rule. He also expresses support for additional changes in technical specifications, such as eliminating the limitation on riser sections, adding requirements for the maintenance of a current product listing and listing mark, and expanding the measurements of field performance. He also suggests less frequent testing. See Attachment D.

5. **Ronald E. Rose, Vice President of the Indiana Onsite Wastewater Professional Association**, expresses his organization's strong opposition to the Rule. Support is expressed for the WWMC revision, with the provision that more data be collected to make sure the recommended changes are supported by sufficient local data. IOWPA also presses for training and accountability requirements, including a certification program and continuing education requirement. See Attachment E.

6. **Michael Price, Vice-President of Sales at Norweco** comments that in general his company supports the WWMC revisions, and makes additional comments. He notes that the technical specifications do not specify the size of the required septic tank/pretreatment chamber. In a separate letter, he comments on the WWMC revision rather than the Rule. See Attachment F.

7. **Jerry T. Paulson, Vice-President of Engineering at Norweco** comments on a portion of the Technical Specifications that he believes focuses too specifically on concrete septic tanks, and may cause problems for others. He also questions certain quality control measures for polyethylene tanks. See Attachment G.

### **BUILDERS/DEVELOPERS**

8. **Indiana Builders Association** presented several written and oral comments to the Board. They ask that the Rule be recalled and provide detailed reasons for their requests. They also provide a line item analysis of part of the Rule, and a Cost Analysis of the Proposed Rule. Their comments are detailed, specific and extensive. They thank the Board for providing the public forum and reiterate their position from each of the three hearings. In Indianapolis, they listed the major economic and technological reasons for their lack of support for the rule. In LaPorte, they identified their legal reasons and provided a detailed list of technical problems with the Rule. In Seymour, they summed up their concerns. They note the lack of support for the Rule in all of the hearings. Their position is also reflected in the written and oral comments of Mr. Kovich, Mr. McKean and Ms. Pedtke. See Attachment H.

9. **Bob McKean** presents a written copy of the comments he made at the hearing. His comments are previously summarized in the oral comments section, item number 4. See Attachment I.

10. **Marlys Pedtke** presents a written copy of the comments she made at the hearings. Her comments were previously summarized in the oral comments section, item number 3. See Attachment J.

11. **Terry Herschberger** presents a written copy of the comments he made at the hearing. His comments are previously summarized in the oral comments section, item number 6. See Attachment K.

12. **Charles Stem, President, Stemtech, Inc.,** opposes the Rule because it negatively impacts their ability to sell lots which were sized according to current rules. He believes current regulations are adequate. See Attachment L.

### **REALTORS & REAL ESTATE APPRAISERS**

13. **The Indiana Association of Realtors, in conjunction with the Indiana Builders Association,** present a joint comment. The Realtors association represents 15,000 members statewide, and the Builders association represents over 5,300 members. They oppose the Rule because it will place a significant economic hardship on individual homeowners at a time when Indiana's economy is floundering, it requires the installation of excessive and extremely expensive equipment without any scientific rationale for its use, and it sets unrealistic standards for nitrate levels that even the equipment manufacturers are not willing to say can be met. Further comments

include that the Rule is not technically necessary at this time, the Rule inappropriately applies ground water quality standards to onsite systems, that the proposed requirements concerning operating permits should be deleted and that the timing of regulatory action needs to be specified. Each comments is accompanied by detailed explanation. A cost analysis is also attached. See Attachment M.

14. **June Livinghouse**, realtor, submitted the joint proposal of the Indiana Association of Realtors and Indiana Builders Association discussed above. See Attachment N.

15. **Thomas R. Larson, of Re/Max**, asks that the Rule be recalled. He notes that in two public hearings, not one person has spoken in favor of the Rule. He suggests lack of communication and the minimal impact it will have on nitrate levels as the reasons for the opposition. See Attachment O.

16. **Sherry Stem, Assistant V.P, Semonin Realtors** opposes the Rule contending it negatively impacts her ability to sell lots and homes, and therefore affects her livelihood. She believes present regulations are adequate. See Attachment P.

17. **C. David Matthews of David Matthews and Associates, Real Estate Appraisers & Consultants** presents the opinion that the Rule is onerous and will create a definite burden on new homeowners in rural areas. It could reduce urban sprawl. It is not needed nor appropriate. He knows of no cases where septic tank problems have caused a serious public health crisis. Non-functioning systems that drain to ditches cause more problems, as do undersized sewer systems and combined systems in urban areas. He asks that the Rule be redesigned and reconsidered. See Attachment Q.

### **SEPTIC TANK INDUSTRY**

18. **Sam Baker of AK Industries, Inc.** opposes the Rule, and supports the changes made by WWMC. He also feels both 1000 gallon two-compartment tanks and 1250 gallon single compartment tanks should be allowed. He states the best way to insure watertight tanks is to water test every tank. He also supports the need for pre-tanks before aerobic units, with sizing of 45 or 50% of design (500GPD) and supports following the NSF 40 proto-call for maintenance and sampling. See Attachment R.

19. **Carl W. Thompson, of Infiltrator Systems, Inc.** suggests requiring a written site evaluation for all on-site systems, suggests specific changes in Section 42, Alternative and Experimental Technology, suggests a need for further definition in Chapter 2, V. Sand Mound OSS Selection Criteria, and suggests numerous specific and technical changes in Chapter 5. IX. D. Soil Absorption Fields - Specifications. Chamber. In a further comment, he asks that their letter of May 9, 2000 be considered, and proposes that additional requirements for alternative soil absorption field technologies be removed from the Rule and technical specifications. Those requirements include site evaluation by a soil scientist, notification on deed, and notification and signature of the owner. See Attachment S.

20. **James W. Skinner, President of Press-Seal Gasket Corporation of Ft. Wayne**, writes in support of the rule. He disputes the contention that some septic systems will fail no matter what, disputes the contention that the new Rule will make properties too expensive to build upon, disputes the theory that alternative technologies are unproven, and counters the argument that big problems such as combined system overflow should be addressed before on-site systems. See Attachment T.

21. **Tim Andrews of Press-Seal Gasket Corporation of Marion** expresses his support for the Rule and disputes certain statements from the public hearings. His letter repeats the statements of James W. Skinner above. See Attachment U.

22. **Robert Bowsman, owner of Bowsman Tank Co**, posits that in his 30 years of experience, two septic tanks in series are almost always better than one bigger tank (single or 2-compartment). He suggest that counties who have used the bigger tank versus installing two tanks in series have not had good results. He compares his tanks with the others, and suggests deleting certain items from the Rule. He also expresses the opinion that public hearings are useless unless personnel or those responsible for making the rule changes are present to answer questions and explain their thinking. See Attachment V.

23. **Stuart J. Meade of Meade Septic Design, Inc.** makes suggestions regarding the regulations concerning trench bottoms. See Attachment W.

24. **Kevin R. Chaffee** states that based on experience, he does not plan to install any more septic tanks without gasketed inlet and outlet pipe connections, and asks ISDH to make this a requirement of the Rule. He also feels that two compartment tanks are better at solids separation than single compartment tanks. See Attachment X.

25. **Sam Carter, Regulatory Relations Coordinator, Orenco Systems, Inc.**, makes several suggestions for additional language and/or requirements to be added that would apply to all secondary treatment units. The suggestions are classified as essential to prevent the discharge of untreated sewage, optimize treatment performance, and ensure the maintainability of the system. Topics covered are all in Chapter 8, and consist of alarms, component construction, surge flow, compartment access, removal of solids, short circuiting of flow, accumulation of sludge, passage of untreated sludge into the disposal field, operations and maintenance, effluent quality, and different treatment levels. Also included are attachments on surge control and bypass protection continuous-flow, suspended-growth aerobic systems, and application of treatment standards 1 and 2. See Attachment Y.

26. **Ralph Reed of Reed Excavating & Septic Service, Inc.** states his opinion that the Rule will put Reed Excavating and many other installers out of business. He worked with WWMC and believed the Rule would be amended to reflect those changes, and is surprised it was not. He supports the WWMC version. He also points out a potential conflict of interest and a problem with the use of the word “may.” See Attachment Z.

27. **Ted Meyers, President of Tuf-Tite Drainage and Septic Products** presents comments on the WWMC revision rather than the Rule. Comments refer to the riser section limitations, connectors and clamps. He would like to see the WWMC proposals adopted. See Attachment AA.

28. **John Crist, Assistant Sales Manager of Hartford Concrete Products**, expresses support for the WWMC revision of the Rule, with the exception of Chapter 5, Section IV, Paragraph B.4 (Line 1363) and Chapter 5, Section VI, Paragraph D.4 (Line 1648). See Attachment BB.

29. **John Hudson of Hudson Concrete Product, Inc.** is concerned with the method of using flexible connectors as the only way of attaching inlet and outlet pipes. He believes it creates a problem for securing and mounting effluent filters, baffles, etc. This method could cause misalignment of the filters. He echoes his comments made at the Seymour hearing. See Attachment CC.

### **SOIL SCIENTISTS**

30. **Debra Jimison**, a soil scientist with a small engineering firm, expresses her opinion that the most pressing issues the State should be considering are mandating that discharging non-septic systems be updated to code, forcing failing systems to be repaired, and offering flexibility that encourages those repairs. The proposed Rule will do none of these things. The source of nitrates must first be determined. The proposed Rule will cause financial hardship to homeowners and further overburden local health departments. She supports WWMC's version over the Rule. See Attachment DD.

31. **Mr. David S. Ralston, President of Soil Tech, Inc.** submits written comments on the technical specifications of the Rule. He focuses his comments on the loading rate tables, and makes specific reference to the tables, which are included with his comment. He notes that Figure 304 is used for both subsurface and above ground load rate tables, and is confusing. He further notes that proposed loading rate tables do not seem to address massive friable soils. He further makes a detailed technical argument with regard to Loess-Silt loam, Loess-Silty clay loam, Alleuvium-Loam, Alleuvium-Silt loam, Lacustrine-Silty clay, Above-ground onsite systems, and Nitrogen. His final comment is that the Rule will increase the amount of time needed to prepare an onsite survey, and result in more up-front cost to homeowners, but that it could avoid problems with the final system. The new Rule will also force more mound systems. The new Rules are an improvement over previous editions. In a previous comment submitted by Mr. Ralston, he discusses several aspects of the Rule. He suggests eliminating the requirement that the designer, P.E. or architect be present when the site evaluation is performed. He also makes suggestions concerning segments of the rule dealing with soil compaction, secondary treatment of nitrogen reduction, site drainage, residential system perimeter drain, and septic tank design. See Attachment EE.

32. **Paul McCarter, Jr.** of Soil Investigations identifies several areas of the Rule needing revision or modification. His suggestions are quite specific and technical. He notes that some parts of the new Rule are an improvement, but questions the need for nitrogen reduction in the uplands of Southern Indiana. See Attachment FF.

33. **Al Donaldson** questions the status of the revision, and recommends listening to the comments from the Wastewater Committee and IOWPA. He also questions who is to perform the site evaluation report, GPS measurement to scale, certain depth requirements, the consistency of the nitrate leaching index between counties and the lack of uniformity in soil reports. He suggests adopting the metric system. See Attachment GG.

### **LOCAL GOVERNMENT**

34. **Gary Chapple, Pollution Control Director, Fort Wayne-Allen County Department of Health** provides a list of formatting/corrections that he believes are needed. In a second comment, he supports the WWMC version of the Rule, and adds suggested specific corrections/additions to Chapter 5 and 6. See Attachment HH.

35. **Linda J. Mauller, Environmental Health Specialist with the Wells County Health Department, under the direction of Donald A. Dian, M.D., Wells County Health Officer**, states that their county health department requires “pit” soil evaluations and soil sampling for mechanical analysis on every septic system installed. Pits offer an undisturbed view of the soil profile, unlike probe or auger evaluations. She asks that an exception be added to the table for evaluations performed using pits. See Attachment II.

36. **Ronald L. Highland, Building Commissioner, Tippecanoe County Building Commission** asks for a change in the definition of “bedroom” in the Rule. See Attachment JJ.

37. **The Greater LaPorte Chamber of Commerce** submitted a resolution stating its opposition to the proposed Rule based on the unreasonableness of the Rule. See Attachment KK.

38. **The LaGrange County Commissioners, LaGrange County Council, and the LaGrange County Board of Health** present their opinion that the Rule will result in a further deterioration of sewage treatment in rural areas, and cause hardship on the citizens of LaGrange County. Implementation of the Rule will also impact economic development in the county and frustrate efforts to develop a comprehensive plan and update zoning regulations. Specific concerns are the high cost associated with the Rule, numerous inconsistencies in the Rule (which are detailed and discussed), and contradictions regarding the dispersal area and perimeter drains. They question why the rule is being changed when it is working. They believe the new rule is impossible to decipher, costly, and makes enforcement difficult. See Attachment LL.

39. **Robert Watkins, Manager of Environmental Health Services for Elkhart County** submitted as written comment the text he read at the hearing. His comments were previously summarized in item 30 above. See Attachment MM.

### **COUNTY SOLID WASTE MANAGEMENT DISTRICTS**

40. **Noell Krughoff, Director of the Shelby County Solid Waste Management District**,



recommends that “chipped rubber tires” not be considered an experimental or alternative technology and that “chipped rubber tires” be listed as an acceptable material and inserted after “stone” on page 53, line 1960. See Attachment NN.

41. **Steve Longnecker, Director of Randolph County Solid Waste Management District**, expresses his support for including chipped rubber from waste tires as a permissible material for use in design and construction of on-site sewage systems. See Attachment OO.

42. **David D. Lamm, District Administrator of the Boone County Solid Waste Management District** also suggests including “chipped rubber tires” as an acceptable material. It is low cost and readily available. See Attachment PP.

43. **Byron Loveless, President of Boone County Solid Waste Management District** asks that chipped rubber tires be listed as an acceptable material because of ready availability and low cost and suggests benefit from turning waste into material. See Attachment QQ.

### **AGRONOMISTS**

44. **Donald P. Franzmeier, Department of Agronomy, Purdue University**, suggests Illinoian Till be added to the parent material group that contains Lacustrine and Wisconsin Till in the Loam grouping of the proposed load rate table. The suggestion is for both above ground and subsurface SLRs. In another comment, Mr. Franzmeier points out differences in terminology between the Rule and the terminology of the NRCS Soil Survey Manual and Field Guild. See Attachments RR.

### **ELECTRICAL COOPERATIVE**

45. **The Indiana Statewide Association of Rural Electric Cooperative, Inc.** presents the opinion that the proposed Rule is not technically necessary, scientifically supported, cost-effective or reasonable. The Cooperative agrees with the comments submitted by the Indiana Association of Realtors and the Indiana Builders Association. See Attachment SS.

### **VARIOUS CORPORATIONS**

46. **Allison Blodig, Regulatory Affairs Coordinator, Bio-Microbics, Inc.** suggests local authorities might be reluctant to put in place a system for issuing permits and questions whether the State will be able to issue the permits in the absence of such a system. She also suggests a need for clarification as to whether secondary treatment devices have the leeway to set restrictions on what can enter their treatment systems. Suggestions are also provided concerning design questions and sampling. See Attachment TT.

47. **Lang, Feeney & Associates** first notes that it feels 20 days to review this document was inadequate. Second, they note that the Rule is not a clarification of an existing rule and question why it is needed. The Rule is also labeled as too proscriptive. Three plus pages of detailed

questions concerning all aspects of the Rule are included. See Attachment UU.

48. **Arthur Collier, President of AJ's Construction Services, LLC**, opposes the new Rule. He supports the changes recommended by WWMC and makes several additional comments on the WWMC proposal itself, rather than the Rule. See Attachment VV.

49. **Willard C. Thorn of Thorn-Orwick** expresses his 100% support for the new Rule. See Attachment WW.

### **VARIOUS INDIVIDUALS**

50. **Cresley Walker** is a homeowner and states that he has three 1,000 gallon tanks and secondary treatment by recycling is not necessary, and shouldn't be required. He also makes a comment about seeding and soil stabilization. See Attachment XX.

51. **Ian M. Steele, Ph.D.**, is the town council president of the town of Michiana Shores and a Geologist. He notes that nitrates come from a variety of sources and that a much better solution to nitrate problems in residential areas would be for the State of Indiana to take the lead in the installation of public sewer systems by matching the cost on a dollar basis. Any nitrate problem contributed by individual septic systems would be eliminated in five years, private maintenance would not be a problem, and compliance would not be delayed. See Attachment YY.

52. **Mark Spurgeon** submitted a copy of a letter to the Seymour City Council from June 14, 1999, asking that the City Council deny the sewer department its request to reduce testing that checks for cadmium and nickel and its inflow. See Attachment ZZ.

53. **Wesley D. Burden**, is an environmentalist with the Fulton County Health Department and states his opposition to the Rule because it will increase the time and cost of getting a septic system installed for homeowners, it will increase the time and work load on local health departments, and is an attempt to micromanage septic approvals that fails to take into account that soils, staffing, local expertise, and local laws vary dramatically from county to county. The Rule will not only increase costs for homeownership, but will additionally place an increased burden on local health departments, which are already understaffed and overburdened. He also expresses the feeling that the ISDH has ignored his comments, as he never received any response. See Attachment AAA.

54. **Gerald R. Phipps, PE** is a civil engineer and Vice-President of the Area Plan Commission of St. Joseph County. He opposes the WWMC revision deletion of a paragraph in Chapter 1, Section 1 that in moderate to high density land development "consideration should first be given to other sewage treatment methods." He fears without that language it will be difficult to require sewers. He also believes the specifications should be more specific in setting maximum densities for septic systems. He also believes local government should have more guidance from the ISDH on where individual, onsite septic systems are appropriate. See Attachment BBB.

55. **Lorri Kovitz** opposes the Rule. She cites research that shows septic systems not to be the major cause of high nitrate levels and the high cost associated with the proposed nitrate filter systems. See Attachment CCC.

56. **Timothy J. Harrington, P.E.**, writes in opposition to the Rule based on “serious technical omissions” in the document. He identifies problems with the terms “seasonal high water table” and “soil infiltrative surface”, and cites as error continuing to depend upon qualitative measures of the soil permeability in the area of the drain field while ignoring soil density as a controlling parameter in determining the drainage rate. He posits the Rule needs to be simplified and corrected and provides suggestions for revisions and change. See Attachment DDD.

57. **Richard Wise, President of Indiana Capacity Center** makes several suggestions for changes in the Rule. He suggests changing the definition of “commercial facility”, expanding the definition of “regulated facility”, revising Section 43 (d) and (k) and adding an (l), revising Section 47(b) by adding the word “certificates”, adding the word “monthly” to Chapter 3, Section VI, Requirements, Secondary Treatment for Nitrogen Reduction, and expanding the description of “regulated facility.” See Attachment EEE.

58. **Terry K. Hiestand**, is an attorney who compares the proposed Rule to a “classic Indiana Department of Health boondoggle from years past”, referring to the regulations involving dry wells, which were later shown to have no effect on water quality. He asserts the largest source of nitrate pollution is agricultural fertilizer and fertilizers used to maintain golf courses and home lawns, not septic systems. The Rule would have minimum impact on drinking water, nitrates or otherwise. See Attachment FFF.

59. **Dan Bloodgood** submits several comments to what he refers to as “the Rule Amended by the WWMC” and “the Tech Spec as amended by the WWMC.” From these references, it must be presumed that Mr. Bloodgood’s comments do not go to the proposed Rule, but rather to the WWMC revision. See Attachment GGG.

#### **COMMENTS SUBMITTED VIA ROLLS OF TOILET PAPER**

Numerous rolls of toilet paper were mailed to the Indiana State Department of Health by individuals and organizations at a cost of \$2 apiece. The rolls of toilet paper contained one of the following messages either printed on the toilet paper, attached with a label to the toilet paper, or tucked inside the toilet paper:

“Opposed to Septic Rules” or “Opposed to New Septic Rules”

“ I am opposed to Septic Rules 410 IAC 6-8.2.”

“Opposed to Septic Rules. Please review IBA Stance.”

“I am a tax payer and a voter and I am OPPOSED to the preliminarily adopted Septic rules 410IAC6-8.2. Please review IN. Builders Assoc. reported point of contention. Thank you.”

“I am opposed to the preliminarily adopted septic rules!!! This will not solve the problem. This will be a huge burden. Please stop these new changes.”

“I am opposed to the proposed septic rules 410IAC6-8.2!!! I am in agreement with the IN. Builders Assoc. reported points of discontent.”

“Please Read. I am sending this in opposition of these septic rules. Thank you for listening - We are counting on your help.” (This is written on an article by Terry Herschberger & Marlys Pedtke of the Indiana Builders Association, urging action on the part of members of the IBA in opposition to the Rule, and stating reasons for the opposition.)

The rolls of toilet paper were sent by the following individuals and organizations, and are included with this report as Attachment HHH (two boxes):

LaPorte Seamless Gutter Tim Konowitz 1520 Lake Street LaPorte, IN 46350	First American Title Company Yolanda Kolbert 5265 Commerce Drive Crown Point, IN 46307	City Savings Jim Drader 2000 Franklin Street Michigan City, IN 46360
Flooring Center Warren O. 2052 E. US Hwy 20 (EGP) Michigan City, IN 46360	Kankakee Valley REMC Steve Vanderwerf P.O. Box 157 Wanatah, IN 46350	Pavey Excavating Company Gene Pavey 2020 Ohio Street LaPorte, IN 46350
Metropolitan Title Linda Wireman 2360 US Hwy 35 LaPorte, IN 46350	Rivendell Builders Ron Ebeling 154 Garden Street LaPorte, IN 46350	Joann Burns-Atchtmann 6 West Buffalo Street New Buffalo, MI 49117
DCJM Plumbing Jeff McCombs P.O. Box 1347 LaPorte, IN 46350	Bret Benefiel 1901 Kingsbury Avenue LaPorte, IN 46350	Greg Szybala 1074 N. Halstead LaPorte, IN 46350 Ray Butts 4228 North U.S. 39 LaPorte, IN 46350
Builders Association of LaPorte County 2626 N. State Road 39 LaPorte, IN 46359	Bruce Smucker 30677 Old U.S. 20 Elkhart, IN 46514	Clear Water Well & Pump Greg Hunt P.O. Box 314 Rolling Prairie, IN 46371
Bruce Young P.O. Box 125 LaPorte, IN 46350	Chemical Bank Shoreline	Pressel Enterprises

Jim Pressel  
1772 N. Lofgren Road  
Rolling Prairie, IN 464371

Tri-Corp Wireless "Nextel"  
Rhonda McConnell  
1237 North State Road 39  
LaPorte, IN 46350

Chemical Bank Shoreline  
Joann Burns-Atchtmann  
6 West Buffalo Street  
New Buffalo, MI 49117

Trout Glass  
Shawn Solner  
1579 S. Calumet Road  
Chesterton, IN 46304

Energy Tech Insulation  
James Heavilin  
345 ½ N. 400 E  
Valparaiso, IN 46383

The Floor Store  
Bob Pinda  
4528 W. 150 North  
LaPorte, IN 46356

Jim Roy  
401 Boyd Blvd  
LaPorte, IN 46350

DC Garage Doors Inc.  
Rio Risner  
502 Washington St.  
LaPorte, IN 46350

Cermak's Decks  
Ray Cermak  
6711 W 450 North  
Michigan City, IN 46360

Maple City Mechanical  
Blaine Snyder  
2057 North 150 East  
LaPorte, IN 46350

Fickel's Electric Services  
Mark Fickel  
7711 N. Rd. 200 E.  
Greg Deutscher  
122 W. Garfield  
Michigan City, IN 46360

LaPorte, IN 46350

Michiana Insulation  
John Gruber  
4616 S. Burnette Drive  
South Bend, IN 46614

Dye Plumbing & Heating  
Charles Dye  
712 Madison St.  
LaPorte, IN 46350

Clarence Spear  
5879 Eidson  
St. Joseph, MI 49085

Trout Glass  
Shawn Solner  
1579 Calumet Road  
Chesterton, IN 46304

Farm Credit Services  
P.O. Box 2589  
South Bend, IN 46680  
Ed Ludwig  
5441 North Barclay  
LaPorte, IN 46350

### **PERSONS WHO ATTENDED HEARINGS**

People were asked to fill out sheets of paper in order to be shown on record as having attended the hearings. Some made oral comment or submitted written comment, some did not. The names and addresses of those wishing to be shown as attending are listed below to the best of my ability to decipher handwriting, and are attached and made part of this report as Attachment III.

### **INDIANAPOLIS HEARING, JULY 1, 2003**

Neal Brown

Warsaw, IN

Edie Gray  
310 S. 6<sup>th</sup> Street  
Goshen, IN 46528

Ken Steury  
11535 Leo Road, L2  
Ft. Wayne, IN 46845

Scott Hughey  
12368 Hancock Street  
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Tom Cash  
15415 450 E.  
Greencastle, IN 46135

James Keller  
3210 Rand Road  
Indianapolis, IN

Bob McKean  
1383N 700W  
Kokomo, Indiana 46901  
Joe Quackenbush  
P.O. Box 281  
Nashville, IN 47448

Marlys Pedtke  
4335 Broadway  
Indianapolis, IN 46205

Dan Schnoebelen  
4320 Elkhart Road  
Goshen, IN 46526

David C. Kovich  
P.O. Box 1623  
Lafayette, IN 47902

Dan Jones  
Purdue University

Larry Beard  
1 Hamilton Co. Sq. Ste 30  
Noblesville, IN 46060

Greg Lake  
120 E. Mulberry, Suite 210  
Kokomo, IN 46901

Ronald E. Rose  
859 Riverside Drive, Suite  
9  
Greenwood, IN 46142

Sam Baker  
P.O. Box 640  
Plymouth, IN 46563

Doug Meeks  
100 W. Main St., Rm. 207  
Muncie, IN 47305

James R. Ross  
1126 Miller Ave  
Shelbyville, IN 46176

Doug Fleming  
12878 Van Buren  
Crown Point, IN 46307

William Baumgartner  
101 Lincoln Way  
LaPorte, IN 46350

#### **LAPORTE HEARING - JULY 30, 2003**

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101 Lincoln Way  
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Riely O'Connor  
P.O. Box 4957  
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Mike Jacobs  
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Betty M. Daniel-Lanie

406 Sunrise Blvd.  
LaPorte, IN 46350

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Doug Waters  
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Michigan City, IN 46360

Karan Ford  
3403 E. Dupont Road

Fort Wayne, IN 46825

Phyllis Waters  
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Gary Farmer  
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Elkhart, IN 46514  
Kenneth Purze  
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South Bend, IN 46601

Bret Benefiel  
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Charles D. Hendricks  
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LaPorte, IN 46350

Kent Bierma  
210 S. Halleck  
Demotte, IN

Denny I. Smith  
3132 W. Sherwood Drive  
LaPorte, IN

Tina Bernacchi  
4228 N. US 35  
LauraLee Sikorski  
122 Fogarty Street  
Michigan City, IN

Gene Pavey  
2020 Ohio Street  
LaPorte, IN

Richard J. Flando  
3010 Lake Shore  
LaPorte, IN

Rondo VanVoorhis  
245 Johnson Road  
LaPorte, IN

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Michigan City, In

Gary Chapple  
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LaPorte, IN

Ray Butts  
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LaPorte, IN

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Hartford City, IN 47348  
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115 W. Spencer Street  
Columbia City, IN

Gregory Scott  
2645 South 650 West  
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Demotte, IN

Doug Fleming  
Fort Wayne, IN 46802

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Mark Bauer  
1400 N. Wabash Ave.  
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Janet Greenwald  
110 Sunset Tr.  
Michiana Shores, IN

Greg Lake  
120 E. Mulberry  
Kokomo, IN 46901

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P.O. Box 1623  
Lafayette, IN  
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Lambda Mort  
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Tom Stewart

Wanda Patrick  
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Adin McCann  
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Westville, IN 46391

Dave Hardister  
5335 N. 525 W.  
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Don Schnoebelen  
4230 Elkhart Road  
Goshen, IN 46526

Marlys Pedtke  
4335 Broadway  
Indianapolis, IN 46205

Steve Adams  
25849 N. Park  
Elkhart, IN

Robert Watkins  
4230 Elkhart Road  
Goshen, IN 46526

Max Van Meter 1720 N. Buckeye Street Monticello, IN 47960	221 Pokagon Trail Michiana Shores, IN 46360	Elkhart, IN 46517
Leroy Yoder 1114 Lakeshore Drive Osceola, IN 46561	Gorgia Mareska 100 J. Street LaPorte, IN	Patricia Rodgers 0146 S. 400W LaPorte, IN
V. Raj Crest Homes Middlebury, IN	Michael Arnett 414 Lincoln Way LaPorte, IN	Larry Huber P.O. Box 547 Rolling Prairie, IN 46371
Terry Herschberger 605 W. Highland Drive Middlebury, IN 46540	Doug Miller 22825 CR4E Elkhart, IN 46514	Richard Wisn P.O. Box 88754 Indianapolis, IN 46208
Bill Grant 114 W. Michigan LaGrange, IN 46761 Ian Steele Charles M. Ponsur P.O. 212 LaPorte, IN	Tom Wickert 27695 Whitetail Way Elkhart, IN	Tom Duszynski 809 State Street LaPorte, IN 46383
JimPressel 1772 N. Lofgreen Road Rolling Prairie, IN 46371	Gretchen Helman 25428 CR 20	Lance Gould 335 W. Sore Drive Bremen, IN 46505 West Lafayette, IN 47906
Bob Kaper, Jr. P.O. Box 517 DeMotte, IN 46310	John Linn 750 Lincoln Way East South Bend, IN 46601	George Baguall P.O. Box 526 Beverly Shores, IN 46301
Frank Schreiber 1101 W. Springville Road	Curtis Turner 112945 CR 23 Granger, IN	James Toppen 11330 N. 1000W DeMotte, IN 46310 Larry Concus DeMotte, IN
C.A. Seitz 1401 S. Main Street South Bend, IN	Rita Beaty 245 W. Johnson Road LaPorte, IN 46350	Karl VanKeppel P.O. Box 671 DeMotte, IN 46310
Wesley Burden 125 E. 9 <sup>th</sup> St. Rochester, IN 46975	E.F. Machota P.O. Box 1533 LaPorte, IN 46352	Bud Hubers P.O. Box 302 DeMotte, IN 46310
	Don Morrison 1291 Cumberland Ave. W	Mark Hubers P.O. Box 302



DeMotte, IN  
June Livinghouse  
2044 Juneway Drive

Ron Ebeling  
154 Garden

### **SEYMOUR HEARING - AUGUST 6, 2003**

Greg Furnish  
12910 Covered Bridge Dr.  
Sellersburg, IN 47172

Marlys Pedtke  
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Indianapolis, IN 46205

Lonn Stuckwish  
905 E. Tipton  
Seymour, IN 47274

Kenny Smith  
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Floyd Knobs, IN 47119

John Bowen  
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Summary Report of the Public Hearings and comments submitted concerning the addition of 410 IAC 6-8.2 to establish requirements pertaining to the disposition of excremental and sewage matter through the design, installation, construction, maintenance, and operation of commercial facility, residential cluster, and experimental and alternative technology onsite sewage systems.

Respectfully submitted this 3<sup>rd</sup> day of November, 2003.

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Jan B. Berg  
Administrative Law Judge